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11
 12 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 **SAN JOSE DIVISION**

14 **PHASE FORWARD INCORPORATED,**
 15 **a Delaware Corporation,**

16 **Plaintiff,**

17 **v.**

18 **MARY NOEL ADAMS, individually and**
 19 **d/b/a PHASE FORWARD, and PHASE**
 20 **FORWARD LLC, a California Limited**
Liability Company,

21 **Defendants.**

) **CASE NO. C 05-4232 JF (HRL)**

) The Honorable Jeremy Fogel

) **REQUEST, STIPULATION, AND**
) **~~PROPOSED~~ ORDER RESCHEDULING**
) **TRIAL AND PRETRIAL CONFERENCE**

) Trial: September 22, 2008
) Pretrial Conference: September 12, 2008
) Courtroom Three, 5th Floor

22
 23 Plaintiff Phase Forward Incorporated ("Plaintiff") and Defendants Mary Noel Adams
 24 d/b/a Phase Forward and Phase Forward LLC ("Defendants") (collectively the "Parties"), by
 25 and through their undersigned counsel hereby stipulate and agree that:

- 26 1. Due to the illness of Matthew Stavish, Lead Counsel for Defendants, the Parties
 27 request that Pretrial Conference presently scheduled for September 12, 2008 be
 28 continued, and that Trial be rescheduled to commence on October 24, 2008

(Jury Selection) or November 7, 2008 (Jury Selection), or at such other time as the Court may order. The Parties the parties will consult about holding the Pre-Trial Conference on any of October 3, October 10 and October 17 and will within 2 weeks or sooner advise the Court of their proposed date.

2. Defendants shall not use Plaintiff's stipulation to continue the Pretrial Conference against Plaintiff in any manner.

Dated: September 5, 2008

Respectfully submitted,

PEPPER HAMILTON LLP

By:

M. Kelly Tillery, Esquire
Attorney for Plaintiff

BERENATO, WHITE & STAVISH, LLC

Dated: September 5, 2008

By:

Laura Thompson, Esquire
Attorney for Defendants

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. It is further ORDERED that the Pretrial Conference for this matter is rescheduled for 10/17/08 at 11:00 a .m., that Jury Selection for this matter is rescheduled for 10/24/08 at 1:30 p .m., and that Trial for this matter is rescheduled to begin on 10/27/08 at 9:00 a .m.

DATED: 9/8/08

JEREMY FOGEL
United States District Judge